UNITED
NATIONS

S

Security Council

PROVISIONAL

S/PV.3134
13 November 1992

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND
ONE HUNDRED AND THIRTY-FOURTH MEETING

Held at Headquarters, New York,
on Friday, 13 November 1992, at 10 a.m.

President:	Mr. ERDOS	(Hungary)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	Cape Verde	Mr. JESUS
	China	Mr. LI Daoyu
	Ecuador	Mr. AYALA LASSO
	France	Mr. MERIMEE
	India	Mr. GHAREKHAN
	Japan	Mr. HATANO
	Morocco	Mr. SNOUSSI
	Russian Federation	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PERKINS
	Venezuela	Mr. BIVERO
	Zimbabwe	Mr. SENGUE

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the Security Council.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

92-61840 2763V (E)

The meeting was called to order at 10.55 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN BOSNIA AND HERZEGOVINA

LETTER DATED 5 OCTOBER 1992 FROM THE REPRESENTATIVES OF EGYPT, THE ISLAMIC REPUBLIC OF IRAN, PAKISTAN, SAUDI ARABIA, SENEGAL AND TURKEY ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24620)

LETTER DATED 4 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24761)

LETTER DATED 9 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24785)

LETTER DATED 9 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24786)

The PRESIDENT (interpretation from French): I should like to inform members of the Council that I have received letters from the representatives of Albania, Azerbaijan, Bosnia and Herzegovina, Canada, the Comoros, Croatia, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Italy, Jordan, Malaysia, Pakistan, Qatar, Senegal, Slovenia and Turkey, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sacirbey (Bosnia and Herzegovina) took a place at the Council table; Mr. Shkurti (Albania), Mr. Hassanov (Azerbaijan), Mrs. Fréchette (Canada), Mr. Moumin (Comoros), Mr. Drobnjak (Croatia), Mr. Graf zu Rantzau (Germany), Mr. Elaraby (Egypt), Mr. Wisnumurti (Indonesia), Mr. Kharrazi (Islamic Republic of Iran), Mr. Traxler (Italy), Mr. Abu Odeh (Jordan), Mr. Razali (Malaysia), Mr. Marker (Pakistan), Mr. Al-Ni'Mah (Qatar), Mr. Cissé (Senegal), Mr. Türk (Slovenia) and Mr. Aksin (Turkey) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received a letter dated 12 November 1992 from the Permanent Observer of Palestine to the United Nations, which has been issued as document S/24804, and reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current debate of the Security Council on the item entitled 'The situation in Bosnia and Herzegovina'.
>
> "Dr. Nasser Al-Kidwa will also be speaking in his capacity as the Chairman of the Arab Group for the month of November 1992."

This request is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Security Council, but if approved the Council would invite the Permanent Observer of Palestine to participate, not under rule 37 or rule 39, but with the same rights of participation of rule 37.

Does any member of the Security Council wish to speak on this request?

Mr. PERKINS (United States of America): Although I am speaking on the issue of the letter regarding the Palestine Liberation Organization's request to speak, let me start, Sir, by officially congratulating you on your assumption of the presidency of the Council for the month of November, and by pledging the support of my delegation in the discharge of your duties.

The United States, as it normally does when this question is considered, will request a vote on the proposal before the Security Council. And the United States will vote against it on two grounds. First, we believe that the Council does not have before it a valid request to speak. Secondly, the United States maintains that the representative of the Palestine Liberation Organization should be granted permission to speak only if the request complies with rule 39 of the provisional rules of procedure.

It is unwarranted and unwise for the Council to break with its own practice and rules in this regard. As all members of the Council are aware, it is a long established practice that Observers do not have the right to speak in the Security Council upon their own request. Rather, a request must be made on the Observer's behalf by a Member State. My Government sees no justification for any departure from that practice.

Further, there is nothing in resolutions adopted by the General Assembly that would warrant a change in Security Council practice. It is also clear that General Assembly resolutions are, of course, not binding upon the Security Council. General Assembly resolution 43/177, which purported to change the designation of the PLO Mission, did so

> "without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice." (General Assembly resolution 43/177, para. 3)

(Mr. Perkins, United States)

That resolution does not constitute recognition of any State of Palestine. Like many other Members of the United Nations, the United States does not recognize such a State.

The United States has consistently taken the position that, under the provisional rules of procedure of the Security Council, the only legal basis on which the Council may grant a hearing to persons speaking on behalf of non-governmental entities is rule 39. For four decades the United States has supported a generous interpretation of rule 39, and it would not have objected had this matter been appropriately raised under rule 39. We are, however, opposed to special, ad hoc departures from orderly procedures.

The United States consequently opposes granting to the Palestine Liberation Organization the same rights to participate in the proceedings of the Security Council as those that would be granted if that organization represented a State Member of the United Nations. This point is, of course, in no way contradicted, but is indeed reinforced, by General Assembly resolution 43/177.

We believe in listening to all points of view, but not in a manner that requires violation of our rules of procedure. In particular, the United States does not agree with the recent practice of the Security Council that appears selectively to try, through a departure from our rules of procedure, to enhance the prestige of those who wish to speak in the Council. We consider this practice to be without legal foundation and to constitute indeed an abuse of our rules.

For all these reasons, the United States requests that the terms of the proposed invitation be put to the vote. Of course, the United States will vote against this proposal.

The PRESIDENT (interpretation from French): I thank the representative of the United States for his kind words addressed to me.

If no other member of the Council wishes to speak at this stage, I shall take it that the Council is ready to vote on the request by Palestine.

It is so decided.

A vote was taken by show of hands.

In favour: Austria, Cape Verde, China, Ecuador, India, Japan, Morocco, Russian Federation, Venezuela, Zimbabwe

Against: United States of America

Abstaining: Belgium, France, Hungary, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT (interpretation from French): The result of the voting is as follows: 10 votes in favour, 1 against and 4 abstentions. The request has been approved.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took the place reserved for him at the side of the Council Chamber.

The PRESIDENT (interpretation from French): In accordance with the understanding reached in the Council's prior consultations, and in accordance with the request contained in the letter dated 9 November 1992 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, document S/24785, if I hear no objection I shall take it that the Council agrees to extend invitations under rule 39 of its provisional rules of procedure to Mr. Vance and Lord Owen.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, and if I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules

(The President)

of procedure to Mrs. Sadako Ogata, United Nations High Commissioner for Refugees.

There being no objection, it is so decided.

In letters dated 9 November 1992 addressed to the President of the Security Council, documents S/24785 and S/24786 respectively, the Permanent Representatives of Belgium and France to the United Nations request that the Council extend an invitation under rule 39 of the provisional rules of procedure to Mr. Mazowiecki.

If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 of the provisional rules of procedure to Mr. Mazowiecki.

Mr. LI Daoyu (China) (interpretation from Chinese): As everyone knows, it is the responsibility of the Security Council to maintain international peace and security. Human rights issues fall within the purview of the Commission on Human Rights, rather than of the Security Council. Mr. Mazowiecki is the Special Rapporteur appointed by the Commission on Human Rights. We do not think it appropriate to invite Mr. Mazowiecki to participate in a meeting of the Security Council. The Chinese delegation therefore expresses its reservations in this regard.

Mr. SENGWE (Zimbabwe): My delegation would like to begin by expressing its satisfaction at seeing you, Ambassador Erdös, presiding over our work during November. We have no doubt that your vast experience and diplomatic skills assure the success of our deliberations.

We also take this opportunity to convey our heartfelt thanks to Ambassador Mérimée of France for the inimitable manner in which he successfully guided the work of the Council during the difficult month of October.

(Mr. Sengwe, Zimbabwe)

As we stated in this Council in August, the division of responsibility among the various organs of the United Nations is not by accident, its having been carefully crafted by the founding fathers of our Organization. On that occasion, my delegation underlined the need for the Security Council to exercise extreme caution in the interpretation of its own mandate if it is not to encroach upon the province of other organs.

My delegation has consistently held the view that the issue of human rights belongs to the Commission on Human Rights and the General Assembly. We therefore wish to record our serious reservations about the appropriateness of inviting Mr. Mazowiecki to address the Security Council. It is only right and proper that the Rapporteur of the Commission on Human Rights should report to the relevant organ which appointed him.

The growing tendency of the Security Council to interfere with the work of other United Nations organs is a cause of great concern for my delegation at a time when efforts are being made to streamline the work of the United Nations and improve the functional capacity of its constituent parts. This intrusive tendency by the Security Council and the institutional crisis it entails can hardly be construed as an auspicious development for our Organization.

The PRESIDENT (interpretation from French): I thank the representative of Zimbabwe for his kind words addressed to me.

The observations that have been made will be reflected in the verbatim records of the Security Council.

If I hear no objection, may I take it that the Council agrees to extend an invitation under rule 39 of the provisional rules of procedure to Mr. Mazowiecki?

There being no objection, it is so decided.

(The President)

The Security Council will now begin its consideration of the item on the agenda.

The Security Council is meeting in response to the requests contained in the following document: S/24620, letter dated 5 October 1992 from the representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey addressed to the President of the Security Council; S/24761, letter dated 4 November 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council; S/24785, letter dated 9 November 1992 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council; and S/24786, letter dated 9 November 1992 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council.

Members of the Council have before them the report of the Secretary-General on the International Conference on former Yugoslavia, contained in document S/24795.

In addition to the documents submitted pursuant to paragraph 5 of Security Council resolution 771 (1992) and paragraph 1 of Security Council resolution 780 (1992), I should like to draw the attention of members of the Council to the following other documents: S/24516 and S/24766, notes by the Secretary-General dated 3 September and 6 November 1992, respectively, transmitting the texts of two reports on the situation of human rights in the territory of the former Yugoslavia prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights; S/24675, S/24677, S/24685 and S/24700, letters dated 16, 18, 19 and 21 October 1992, respectively, from the Permanent Representative of Bosnia and Herzegovina to the United Nations

(The President)

addressed to the President of the Security Council; S/24678, containing a letter dated 19 October 1992 from the Permanent Representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey to the United Nations addressed to the President of the Security Council; S/24702, S/24704, S/24711 and Corr.1 and S/24778, letters dated 20, 21 and 24 October and 4 November 1992, respectively, from the Chargé d'affaires ad interim of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General; S/24748 and S/24759, letters dated 2 and 4 November 1992, respectively, from the Chargé d'affaires ad interim of the Permanent Mission of Croatia to the United Nations addressed to the President of the Security Council; S/24754, letter dated 2 November 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General; S/24772 and S/24776, letters dated 6 November 1992 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General; and S/24793, letter dated 5 November 1992 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General.

In accordance with the decision taken earlier at this meeting, I invite Mr. Cyrus Vance and Lord Owen, Co-Chairmen of the Steering Committee of the International Conference on Yugoslavia, to take places at the Council table.

The first speaker inscribed on my list is Mr. Cyrus Vance, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to make his statement.

Mr. VANCE: Since we last met, on 14 October, the situation in the former Yugoslavia continues to threaten international peace and security. Bosnia and Herzegovina remains riven by civil strife, while basic human rights continue to be flouted; in the United Nations-protected areas of Croatia, complete demilitarization has still not been achieved and the return of displaced persons and refugees to their former homes remains fraught with difficulties; ethnic Albanians in the Serbian province of Kosovo are denied basic rights and are subjected to an atmosphere of intimidation; Macedonia, unrecognized, continues to suffer and gives cause for serious concern; the sanctions regime established by the Security Council is evaded and violated; and throughout the former Yugoslavia the humanitarian crisis deepens.

(Mr. Vance)

Given this complex and testing situation, it will require the strongest resolve of the international community to bring about a durable cessation of hostilities and compliance with the principles of the Charter and, of the Universal Declaration of Human Rights, and the decisions of this Council.

The Council has received the report of the Secretary-General on the activities of the International Conference in Geneva that sets forth in detail the strategy and initiatives that the International Conference has embraced since we took up our assignment some 10 weeks ago, on 3 September. Before I return to the report, however, let me address briefly four urgent matters of concern to the Council.

First, as to the critical issue of sanctions, it is common knowledge that transit documents are currently being misused and that embargoed oil is getting through in larger and larger quantities. Lines at Belgrade gasoline stations have virtually disappeared. Many new stations have opened and the price of petrol is falling. It is evident that the system of end-user certificates is inadequate and ineffective, and that items being transshipped through Serbia by land must be checked more carefully at their points of origin and their destinations. Water-borne cargoes also need to be checked more rigorously, both on the Adriatic and along the Danube.

Secondly, in my judgement it is essential that the arms embargo be maintained and enforced. Although I understand and sympathize with the justifiable sense of frustration felt by some members of the world community, I strongly believe that lifting the arms embargo - as some have suggested - would not contribute to a durable peace and would be counter-productive. It taxes credulity to suggest that lifting the arms embargo for only one party is

(Mr. Vance)

either feasible or desirable. Such an action could only widen and deepen the war in Bosnia and Herzegovina and jeopardize the effectiveness of the United Nations peace-keeping operation. The flow of more arms would inevitably lead to more casualties. This would undermine the negotiating process which, with all its difficulties, still represents our best hope. I believe strongly that lifting the arms embargo not only would increase hostilities in Bosnia and Herzegovina, but could spread the conflict throughout the Balkan region.

Thirdly, although we are all familiar with short-lived cease-fires, we welcome the unconditional cease-fire recently declared by the military commanders of the three warring parties in Sarajevo on 10 November, under the auspices of the United Nations Protection Force (UNPROFOR). It is too early to draw any conclusions, but we expect all three parties to live up to their commitments.

Fourthly, it is essential that all parties in former Yugoslavia cooperate with UNPROFOR as it carries out its vital humanitarian and peace-keeping missions. Obstruction, harassment and attacks on peace-keeping forces cannot be tolerated by the world community. Indeed, deliberate attacks on members of the United Nations peace-keeping forces are criminal acts and should be dealt with accordingly. It is also essential, given the magnitude of UNPROFOR's mission, that the Council continue to offer its full support with regard to funding, personnel levels, technical capacities, and command and control arrangements.

Turning now to the Secretary-General's report, I wish to stress six points. The first is the importance we attach to the International Conference's constitutional proposals for Bosnia and Herzegovina. From the very outset of our work we have rejected partition of the country, as well as

(Mr. Vance)

its reorganization on ethnically based territorial lines. We believe the International Conference's constitutional proposals provide a sound basis for the future organization of that land, and we welcome the support given by the members of the Security Council. Intensive discussions under the leadership of Mr. Ahtisaari continue daily in Geneva, and we shall press forward with these negotiations with diligence and perseverance. Moreover, we shall never accept the abomination of "ethnic cleansing".

Secondly, as to the situation in the United Nations Protected Areas and the so-called pink zones in Croatia, all sides must intensify their cooperation on the thorny and extremely important problem of refugee return and resettlement. Tenacity and persistence must be our watchwords as this process goes forward on a step-by-step basis. We recognize that this calls for a great deal of patience on the part of the authorities in Zagreb. However, nothing can be gained by precipitate action. As the Council knows, we have just set up a quadripartite mechanism consisting of representatives of the Government of Croatia, local Serb representatives, and representatives of UNPROFOR and the Office of the United Nations High Commissioner for Refugees (UNHCR) to give special attention to this pressing and complex problem. The return of refugees and displaced persons requires progress towards the restoration of a normal civil society in these areas, which can come only with the active cooperation of the local Serb authorities. I call upon them to participate constructively in this process, while warning that the international community cannot indefinitely tolerate the obstruction of the UNPROFOR efforts to implement the peace-keeping plan approved by the Security Council.

(Mr. Vance)

Thirdly, on humanitarian aid, countless thousands of lives depend on our help and, despite the increasing pressure placed upon the UNHCR and the International Committee of the Red Cross (ICRC), we cannot afford to slacken our efforts. To this end, the international community must insist on unhindered access to persons who need humanitarian aid, especially food, medical supplies and shelter, particularly in view of the approaching winter. The release of prisoners and detainees, particularly from Bosnia and Herzegovina, now depends primarily on immediately providing refuge for them abroad.

Fourthly, with respect to the Kosovo, the situation is highly charged and much needs to be done by all entities to pursue serious, forward-looking discussions on fundamental issues that affect both the ruling Serb minority and the demographically dominant ethnic Albanian majority. The demographic imbalance - with ethnic Albanians comprising more than four-fifths of the populace - combined with Serbia's profound religious and historical roots in the region, understandably makes issues of education, language and culture particularly sensitive and important. The International Conference's Special Group on Kosovo has recently brought all parties together for the first time to discuss pragmatic approaches to these issues. With respect to the future political status of the province, Lord Owen and I believe that genuine autonomy -- not secession or independence - provides the best hope for the future.

(Mr. Vance)

Fifthly, the festering situation in Macedonia gives cause for serious concern. Economic and social conditions have deteriorated, and internal unrest is growing. It would be a tragedy of grave proportions if conflict were to break out in Macedonia, engulfing neighbouring countries. The international community should be able to find a sensible solution to this critical problem which has been with us for much too long.

Sixthly, we are very conscious that as long as the war persists, the already seriously damaged economies of the former Yugoslav republics will deteriorate further. It is important that the new republics and we, together, begin to reverse these highly negative economic trends. For these reasons we have begun discussions with experts of the European Community to organize a high-level conference early in 1993 to address these issues at the level of Prime Minister. Our Working Group on Economic Issues is currently preparing a study on reconstruction and development in the former Yugoslavia.

Finally, it is important to note that, along with the constant activity of the Geneva Conference, Lord Owen and I have sought to keep certain basic principles clearly in view.

The Council and the General Assembly have spelled out the guidelines for devising solutions to problems in the former Yugoslavia. You have called for a political settlement consistent with the principles of the Charter and of international norms on human rights. You have rightly condemned forcible expulsions, illegal detentions, and all attempts to change the demographic composition of territories. You have invoked the principles of the

(Mr. Vance)

Conference on Security and Co-operation in Europe, in particular the inviolability of borders - both internal and external - and the non-recognition of attempts to alter such borders unilaterally.

The General Assembly has also called for peaceful solutions in line with the Charter and the principles of international law. It has expressly mentioned respect for the sovereignty and the territorial integrity of States, and non-recognition of the spoils of aggression and of the acquisition of territory by force.

I mention these statements of principle in order to emphasize a simple but crucial point: the international community cannot accept non-compliance with these guidelines.

As Co-Chairmen of the Steering Committee, our mandate requires that we maintain lines of communication with all sides while preserving our neutrality and independence. Other United Nations bodies are looking into violations of human rights and humanitarian law. We are cooperating with them and will continue to do so. I do, however, want to underscore my firm conviction that there can be no compromise when it comes to respect for the principles of the Charter and of the international norms of human rights and humanitarian law.

In this connection, allow me to go on record in expressing the deepest appreciation and admiration for the work of the United Nations High Commissioner for Refugees, Mrs. Ogata, of the President of the International Committee of the Red Cross, Mr. Sommaruga, and their co-workers and their colleagues in non-governmental organizations. If there are any heroes in the

(Mr. Vance)

tragedy which still envelops former Yugoslavia, it is these international humanitarian workers. Unarmed except for their commitment and compassion, they deserve the deepest gratitude of the world community.

Permit me also to note my appreciation for the persistent and dedicated efforts of my Co-Chairman, Lord Owen, of the Chairpersons of our Working Groups, and of all other international organizations which support our work. I would also like to convey our gratitude to the Secretary-General, to General Nambiar and to the United Nations Protection Force for their unfailing assistance and for the courage with which the peace-keepers strive for success in situations where there is still little peace to keep.

These are the strategies, activities and principles that guide our work at the Geneva Conference. You may rest assured that Lord Owen and I will continue to do everything we can to help bring peace with justice to former Yugoslavia.

The PRESIDENT (interpretation from French): The next speaker is Lord Owen, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure, and I now call on him.

Lord OWEN: It is a great pleasure to be back, speaking to the Council after an absence of over 13 years, particularly since I am sitting next to the representative of Zimbabwe, a country whose independence I used to champion in this very Council Chamber.

Not for the first or the last time, I completely agree with every word that has just been spoken by Cyrus Vance. The fundamental question for us is:

(Lord Owen)

How can we as Co-Chairmen and you as members of the Council implement the principles and objectives agreed at the London Conference at the end of August?

European history is, sadly, no stranger to conflict or to ethnic disputes. Memories of the Holocaust are still with us. The odious practice of "ethnic cleansing" that we are witnessing in the former Yugoslavia is not something therefore which any European can ignore, merely passing by on the other side.

Europe knows that, were this flagrant "ethnic cleansing" to be tolerated, were all its perpetrators to be allowed to escape without being brought to justice, and were its victims not to be helped to return to their homes and land, then we Europeans would pay a terrible price. The Islamic world, rightly, would accuse us of racism against the Bosnian Muslims and hold it against us for centuries to come. After the break-up of the Soviet Union, instead of moving towards a civilized, cultivated, democratic Europe from the Atlantic to the Urals, our continent would become engulfed in endless fights over the many territorial claims and ethnic disputes that have still to be resolved.

The Geneva process - a conference in continuous session, day and sometimes night, including weekends - started when Mr. Vance and I both flew into Geneva for the first Steering Committee meeting on 3 September. We were charged with forging together the European Community's previous Conference on Yugoslavia and the increasing activity of the United Nations and its specialized agencies in the former Yugoslavia. Henceforth peacemaking, peace-keeping and preventive diplomacy were to be run together.

(Lord Owen)

This joint effort by the European Community and the United Nations builds on the existing provision in Chapter VIII of the United Nations Charter which provides for regional agencies to work in partnership with the Security Council. In this way the United Nations can harness the special commitments and concerns of a region. This is evident already in the considerable financial response of the European Community and its member States to the various appeals issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC). It is evident also in that the European Community member States are providing over 11,000 of the personnel of the United Nations Protection Force (UNPROFOR) and in that our national contingents are covering their own costs. They work, however, under the authority of the United Nations and are dependent on key United Nations personnel for ensuring an effective and integrated United Nations command.

I would like to put on record my thanks, and that of the European Community, to the Secretary-General and, through him, to all those working for the United Nations in the former Yugoslavia, to the European Community monitors and to the observers from the Conference on Security and Co-operation in Europe (CSCE), who risk their lives in probably the most difficult peace-keeping and humanitarian operation the United Nations has ever undertaken.

Our work as Co-Chairmen is made immeasurably easier because of the harmonious working relationships that were established from day one. If peace depends on effort, then the immense activity all those associated with the Conference have generated over the last 10 weeks deserves to be successful.

(Lord Owen)

We have brought the opposing parties together in a by and large constructive dialogue in two main areas - the politicians over the future Constitution and the military, over a cessation of hostilities. We have also tried to bring closer together the politicians in Belgrade and Zagreb, well exemplified by the two meetings we have held together with President Cosic and President Tudjman. It is easy to forget in all the publicity about the war in Bosnia and Herzegovina that of the 22,000 people in UNPROFOR nearly 15,000 are deployed in Croatia keeping an uneasy peace in the four United Nations protected areas.

Our constitutional proposals for Bosnia and Herzegovina make clear there is not going to be a crude division of Bosnia and Herzegovina into three separate provinces, because such an arrangement would simply endorse ethnic cleansing. The Bosnian Muslims and the Bosnian Croats fully accept this, as they also accept the vast bulk of our constitutional proposals. The Bosnian Serbs initially gave a public impression that our Constitution was totally unacceptable and that they were boycotting the Conference. This is not the case. They are participating and are putting forward counter proposals. Unfortunately, many of their leaders still appear to want a single geographical contiguous Bosnian Serbian province. They still espouse the objective of Greater Serbia. They want to link those parts of Croatia where the Serbs are in the majority with a Serb-controlled part of Bosnia, and in turn link this with the Republic of Serbia. It will not be easy to pressurize them to abandon this dream. The key lies, not just in Belgrade with the elite, but in the hearts and minds of millions of decent Serbs who do not support either the methods or the philosophy of the political and military leaders who purport to speak in their name.

(Lord Owen)

Sanctions are a blunt instrument which hit the innocent often harder than the guilty. They are, however, the only peaceful weapon the world has. It is vital that today's draft resolution, which blocks the gaping holes in the current oil embargo, whether on the Danube, the Romanian, Bulgarian and Macedonian border, or on the Montenegrin coast on the Adriatic where oil is coming in by tankers, be passed.

A vital aspect of our constitutional proposals, for which there has been too little attention, is the powerful interlocking mechanisms for the reversal of ethnic cleansing. People who wish to return to their homes or land will be able to call on an ombudsman for help in negotiating with local authorities and, if need be, help in going to court. Realistically, that process will take a decade and more to complete. Yet documents signed under duress taking away people's homes and land will become null and void. Lest anyone think this is just pie-in-the-sky posturing it is worth pointing out that as yet none of the parties has sought to challenge these provisions. Sadly, for some, however, their silence does not mean acceptance or even acquiescence.

As I speak today it is not clear yet whether the cease-fire, negotiated by military leaders in the sixth meeting of the Mixed Military Working Group in Sarajevo under United Nations chairmanship, is going to hold. Wisely, everyone is wary of engendering a mood of false optimism. After the record of so many cease-fires collapsing, we can only hope and use any lull for intense negotiating in the knowledge that the military commanders are already preparing their offensive plans. As winter begins to bite there can be little doubt that the scale of the horrendous humanitarian crisis that we face in Bosnia and Herzegovina will be considerably eased if there is a cessation of

(Lord Owen)

hostilities. We could, for example, contemplate flying aid in directly to Banja Luka, Tuzla and Cazin airfields - shortening the convoy route and building up stocks urgently before deep snows block or make the mountain roads unusable. Much will depend therefore on how local military leaders react. A series of meetings are now planned to agree on installing hot lines and making other arrangements to bolster the Sarajevo agreement. One such meeting is taking place today in Mostar.

Of course, a cease-fire has its political dangers. The Bosnian and Serb front-line, established by force, risks becoming frozen into de facto political boundaries. We have taken that risk with our eyes open. The parties to the cease-fire know, too, because of the publication of our draft Constitution, the political framework for a settlement on which we are working. It needs to be said quite clearly, here in the Security Council, that the present Bosnian Serb front line has to be rolled back and that there is no way in which the international community can accept General Mladic's philosophy that might is right and that what they have they hold. We must demilitarize Sarajevo and free blockaded towns, and do so urgently.

There will be many different maps discussed between the parties in the weeks and months ahead. Painful compromises will no doubt have to be made in delineating the provinces of a new Bosnia and Herzegovina. But two factors cannot be ignored - the ethnic map of Bosnia and Herzegovina before the forced cleansing began, and secondly, the need for the provinces to be economically viable if there is to be, as all the parties accept, a highly decentralized form of government.

I know that there are some in this Council, desperately worried about the ever-increasing loss of life, who are searching for more dramatic

(Lord Owen)

solutions. Some want massive outside military intervention, even though there is no sign of any significant military Power being ready to act. Others argue for the lifting of the arms embargo from the Government of Bosnia and Herzegovina on the grounds it has an unfair impact on their predominantly Muslim fighting forces. I have already admitted that sanctions are a blunt instrument, but all previous experience shows that prohibiting arms sales tends to dampen conflict while pushing arms sales deepens conflict. Quite apart from the danger of feeding the flames, there is another and even more powerful argument against a selective lifting of the embargo. Any importation of heavy arms, the main source of a continuing imbalance, would require transshipment through Croatian roads and ports to Bosnia and Herzegovina. That would require at the very least the de facto lifting of the embargo on Croatia. It is impossible, for example, to believe that we could hold a no-fly ban while allowing arms to be flown in for the Bosnia and Herzegovina Government forces.

How could we expect countries from the former Soviet Union in such circumstances not to sell their surplus of sophisticated arms to the Yugoslav army in Belgrade? It would not be long before they then reached the Bosnian Serbs. So while I can respect - and do respect - the motivation of those who argue for the lifting of the embargo, I hope they will understand why I believe it would have a profoundly adverse effect on our chances of obtaining a cessation of hostilities and a constitutional settlement.

This Council must not ignore either the dry tinder that lies around in Kosovo, which could ignite at any time and take the present conflict out of the confines of the former Yugoslavia and across international boundaries

(Lord Owen)

to Albania and through Macedonia to Bulgaria and beyond. The Secretary-General has highlighted the case for preventive diplomacy. Belgrade will not accept a United Nations peace-keeping deployment in Kosovo but in Skopje there is a readiness to contemplate such a deployment.

It is also vital that we learn a lesson from Bosnia and Herzegovina and not disavow the use of external force. We would never have got a negotiated no-fly agreement without President Bush being ready to enforce it, and perhaps the uncertainty about the new President-elect's position over the use of force in this region may give cause for thought to those who seem bent on continued aggression.

(Lord Owen)

To the sceptic - and it is not hard to be one, given the litany of broken pledges - the overriding question is how the international community makes any of these fine words and principles stick in the absence of superior military force on the ground or in the air. Our answer as Co-Chairmen is, we know, an unspectacular one - but nevertheless it is a true one. The principles of the international community will stick through steady, persistent pressure applied day in and day out to any intransigent party that fails to negotiate constructively. This Security Council debate is an important part of that process.

The PRESIDENT (interpretation from French): The next speaker is Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite her to take a place at the Council table and to make her statement.

Mrs. OGATA: I am very grateful for the opportunity to address the Security Council. Fierce tensions and conflicts around the world are leading to new and tragic flows of refugees. But rarely have the violations of human rights and humanitarian law, violence and destruction reached the levels we are currently witnessing in the former Yugoslavia.

While the international community continues its efforts to help to resolve the political crisis in the former Yugoslavia, my Office, as lead agency for humanitarian aid, is trying, with more than 300 dedicated staff members on the ground and together with other humanitarian organizations, to protect and bring relief to all those who suffer from the dramatic consequences of war and persecution.

(Mrs. Ogata)

In this context I should like to express my gratitude for the warm words expressed by the Co-Chairmen with regard to the work of our staff. It will mean a great deal to our personnel in the field.

In the Republics of former Yugoslavia there are 3 million refugees, displaced persons and people trapped in besieged cities and regions. In Bosnia and Herzegovina 1.7 million persons are in need of external assistance. The numbers are rising daily in a horrendous spiral. Although all populations are affected, it seems as though the Muslims are clearly paying the highest price. It is an unacceptable nightmare.

My priorities have been assistance for survival and admission to safety of those who are compelled to flee from war and persecution. They have gained added urgency with the onset of winter. The strategy of the international community remains to assist the victims as close as possible to their homes, either in Bosnia and Herzegovina itself or in the neighbouring countries. I have constantly urged the world community to help these countries in a spirit of international burden-sharing, for their burden is indeed very, very great.

The Office of the United Nations High Commissioner for Refugees (UNHCR) is closely linked with the International Conference on the Former Yugoslavia, in which I serve as Chairman of the Working Group on Humanitarian Issues. We cooperate with the United Nations Protection Force (UNPROFOR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Food Programme (WFP), the Department of Humanitarian Affairs, the International Committee of the Red Cross (ICRC), the Special Rapporteur on Human Rights and many others, including non-governmental organizations. We are deeply grateful for the support received from the donor community - the European Community and the Organization of the Islamic Conference, among others. We are embarked on a genuine, enormous collaborative effort.

(Mrs. Ogata)

Through the Working Group on Humanitarian Issues, I held extensive meetings in September, October and earlier this month with the Bosnian parties, first to remind them of their commitments under the Programme of Action on Humanitarian Issues, agreed upon in London in August. These include a halt to ethnic cleansing and the unconditional release of all detainees. Secondly, we have discussed the priorities of assistance and the best ways to reach all populations in need. Repeated assurances were obtained for the safety of the airlift to Sarajevo and of road convoys and for the transit of released detainees to Croatia and Serbia and Montenegro.

However, the odds on the ground remain enormous. The resumption on 3 October, after one month's suspension, of the vital airlift to Sarajevo was a positive development. However, security conditions for the indispensable road convoys to the city, and to many other areas, remain fragile. Harassment and delays at checkpoints and indiscriminate fighting have continued to be major obstacles. During October a UNHCR convoy was deliberately targeted on the Mostar road. Although this route remains our priority access to Sarajevo and to the hundreds of thousands of displaced and destitute people in central Bosnia, I have decided for security reasons, and in order to maximize the aid effort to Sarajevo, to use the Belgrade route as well. This has met with some opposition from the Bosnian side, although not a single relief item is bought in Serbia. Only a few days ago a first convoy to the Government-held enclave of Srebrenica in eastern Bosnia was prevented from proceeding by angry local people on the Serbian side. In sum, strictly neutral humanitarian access is often hampered by political considerations, military objectives and hostile behaviour.

The full deployment of the additional UNPROFOR troops is therefore of the

(Mrs. Ogata)

utmost importance. We are very grateful for the cooperation we have received from UNPROFOR's Bosnian command team and from troops already in place. But not all troops have yet arrived, whereas others have been prevented from obtaining full access to their area of deployment. Nevertheless, if we are to look for possible sanctuaries for the refugees and the displaced, they will have to be linked with the presence and capacity of UNPROFOR.

The problem of access to those in need is compounded by the still inadequate response to UNHCR's call for additional trucks. In addition to our daily airlift to Sarajevo, we have now attained a capacity to deliver some 1,100 metric tons a day with 107 trucks. We need another 181 trucks to reach a daily delivery capacity of 3,200 metric tons. We need UNPROFOR to enhance security and to augment our logistical and trucking capacity. Without it, we will not be able to deliver the relief required to avert a major disaster in the impending winter.

In the carrying out of the humanitarian task in the former Yugoslavia, the question has arisen of how to strike the right balance so that sanctions serve as a political tool but do not become a lethal weapon against the weak. As we have recently informed the sanctions Committee, the cost of the Humanitarian Assistance Project in Serbia and Montenegro is estimated at some $97.3 million. The difficulties which we originally faced from numerous requests for approval from the Committee to deliver assistance to over half a million refugees and displaced persons have now been satisfactorily resolved by the sanctions Committee, and I am very grateful for its recognition of our special needs, as exemplified by the recent blanket approval for the joint UNHCR-WFP request. We are awaiting the written response which will enable us to continue our urgent programme in Serbia and Montenegro.

(Mrs. Ogata)

Meanwhile, displacement continues. "Ethnic cleansing" goes on, resulting daily in groups of people fleeing across minefields and front lines in their desperate search for safety in central Bosnia and Herzegovina. I take part in the condemnation by the entire international community of this abhorrent practice, emphasizing the right of people to say where they are, in conditions of full security, and stressing the responsibility of everyone to ensure respect for this right.

The presence of international organizations on the ground, and their humanitarian commitment and assistance, have made a difference. Without their presence, the situation might be far worse. But it is not enough. The uprooting of people is one of the aims of this conflict. Through the Special Rapporteur on Human Rights, there is now a focal point for reporting human rights abuses, although an enforcement mechanism seems to be lacking. I hope that the deployment of UNPROFOR, especially in north-west Bosnia, will help prevent the worst human rights abuses.

New displacement has also occurred as a result of the recent fighting between Bosnian-Croatian and governmental forces, which fortunately now seems to have subsided, and the Serbian offensive in central Bosnia. The fall of the town of Jaice led to the flight of an additional 40,000 people. Together with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and the advanced British troops, the authorities in central Bosnia and in the region of Herzegovina are trying their very best to provide shelter, but existing accommodation facilities are increasingly stretched to the limit. At the same time, many refugees have difficulties in being admitted to Croatia, which is already

(Mrs. Ogata)

carrying a tremendous refugee burden. I have said it before: Croatia and the neighbouring countries need more help. Admission to safety is at stake.

I sincerely hope the day will come when refugees and displaced persons on all sides will be able to return to their homes. In the case of Croatia and the United Nations protected areas, I shall work on the return of the displaced persons, a mandate given to UNHCR in Security Council resolution 752 (1992). Recently, in the context of the Quadripartite Mechanism proposed by President Cosic and President Tudjman in their Joint Declaration of 30 September, we have started a complicated negotiations process. This scheme was an important achievement of the Co-Chairmen of the International Conference. The return of refugees is clearly both a humanitarian and a political endeavour. I see it as an attempt to "de-cleanse the ethnic cleansing", but it will be a most difficult task clearly linked to progress towards a political settlement.

Finally, let me bring to the Council's renewed attention the pressing issue of the release of detainees in Bosnia and Herzegovina. In the absence of other viable solutions, the international community must be willing to share the burden of receiving this most vulnerable group of people. Although recently some encouraging offers have been made, there is still a serious shortfall of secured places abroad. Tomorrow, Saturday, some 700 detainees from the Manjaca camp will hopefully be released and transferred under the auspices of ICRC to UNHCR's care in Croatia, pending their departure to other countries. However, 3,000 others in the Manjaca camp alone will most regrettably have to continue to wait because they cannot be received elsewhere, even for transit purposes.

(Mrs. Ogata)

At the Ministerial Meeting on Humanitarian Aid to former Yugoslavia, which I convened on 29 July, UNHCR launched a comprehensive humanitarian response to the crisis in the former Yugoslavia. It has been followed by regular meetings to mobilize international support. I intend to convene another high-level meeting in early December to review the humanitarian situation in all its aspects. We will continue to do whatever we can to bring relief to the victims, where necessary with the help of UNPROFOR, and to the affected countries in the region.

But let there be no illusions. UNHCR alone cannot prevent massive suffering and deaths during the winter. To avoid the worst scenarios, we need, first, the holding and spreading of the present cease-fire; secondly, a renewed commitment by the parties to respect safe passage of relief goods and non-disruption of public utilities; thirdly, immediate deployment of UNPROFOR, and flexibility in application of its mandate to provide extensive support in logistics; fourthly, massive bilateral and multilateral provision of resources; and, fifthly, pressure on all concerned, inside and outside the region, to keep borders open for those fleeing to survive, and urgently in this connection to receive all detainees.

I thank the Council for its continued support.

The PRESIDENT (interpretation from French): The next speaker is Mr. Tadeusz Mazowiecki, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a place at the Council table and to make his statement.

Mr. MAZOWIECKI (spoke in Polish; English text furnished by the speaker): I should like to thank the Council for allowing me to speak and address the most important issues that, from my point of view, show the nature of the human rights violations in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina.

I intend to limit myself to essential questions that will be elaborated in greater detail in the forthcoming report.

At the outset allow me to make a general remark. In the context of the conflict taking place in the territory of Bosnia and Hersegovina, which may expand to other territories of former Yugoslavia, one cannot examine the human rights questions separately from the development of the political and military situation in the area. The issue at stake is the fundamental human right to life, which is totally threatened.

The violation of this right and other fundamental human rights is massive and grave. It contradicts both the Covenants on Human Rights and the Geneva Conventions, which call for respect for the rights of the civilian population during armed conflicts. It stems from the practice of "ethnic cleansing", which is essentially not a consequence of, but an objective of, this war.

"Ethnic cleansing" may be equated with a systematic purge of the civilian population with a view to forcing it to abandon the territories in which it lives.

This practice has been described many times. It has been accompanied by mass killings; rape; the destruction of houses, mosques and churches; the terrorist shelling of cities; and, what is more, the forcing of people to declare that they are foresaking their homes voluntarily.

(Mr. Mazowiecki)

These methods have been pursued first of all by the Serbian authorities in the territories of Bosnia and Herzegovina. This could not be prevented even by the presence of the United Nations Protection Force (UNPROFOR) in the territories of Croatia under the control of Serbian forces.

The Serbian population in the areas of Bosnia and Herzegovina controlled by the Government of Bosnia and Herzegovina and Croatian armed forces is also a victim of discrimination and human rights abuse. Although these acts should be condemned in their own right, they are not an element of systematic policy.

Despite the commitments of the London Conference, the practice of "ethnic cleaning" not only has not ceased during the last two-and-a-half months but has been strengthened, especially in the region of Banja Luca.

(Mr. Mazowiecki)

The objectives of this policy have already been achieved to a considerable degree. A terrorized population, in particular Muslims, is abandoning the dangerous areas en masse. During my missions, I had the opportunity to become personally acquainted with the tragedy of those people. No one who has been in Travnik or Trnopolje could ever forget what he saw there. Thousands of refugees have been subjected to a veritable hell.

Furthermore, the conditions in which they currently find themselves do not guarantee that they will survive the coming winter. Medical experts claim that the death toll resulting from that situation could greatly exceed the loss of lives from the armed conflict. Assistance to those people is unquestionably the most important duty of the international community.

From the point of view of human rights, three kinds of activities are most urgent. The first is the closing of detention camps. The question is how to move to other countries the 10,000 people whose lives are threatened. The second is the establishing of security zones for humanitarian purposes in Bosnia and Herzegovina. Many refugees could find shelter there. If the number of refugees to other countries is to be reduced and if they are not to be left to their own devices, the rapid establishment of those zones seems to be the only solution. The third kind of activity is the establishing of corridors for humanitarian supplies, particularly to the cities and areas under siege.

Serious violations of human rights are also taking place in other territories of the former Yugoslavia. The situation in Kosovo is of particular concern.

The human rights of the Albanian population are being systematically violated. In the area of Vojvodina, the Hungarian, Croat, Slovak and

(Mr. Mazowiecki)

Ukrainian population, as well as the Muslims in Sandjak, must endure various forms of discrimination and oppression.

There exists in all those regions the imminent possibility of an escalation of the conflict, not excluding an outbreak of fighting. Efforts undertaken by federal authorities to prevent these situations have not yet produced satisfactory results.

The situation in the sphere of human rights in the former Yugoslavia requires systematic and coordinated action. Assistance to the victims must go hand in hand with the will to punish the guilty. This concerns in particular the perpetrators of war crimes. During my missions, I found evidence that such crimes have been committed. A commission of experts should be established, in accordance with Security Council resolution 780 (1992), to investigate these matters further.

In the course of my missions, I have frequently met with representatives of international organizations. Their self-sacrifice and dedication deserve recognition and respect. The presence of international organizations in the region assuages the consequences of the brutal abuse of human rights. In many instances, however, they are helpless and impotent. The threatened population is also losing faith in the effectiveness of international assistance.

Profound changes in the world have led to the recognition that respect for human rights has become a crucial element of international security. The former Yugoslavia constitutes, in this respect, one of the most serious and, at the same time, most tragic challenges faced by the international community and intergovernmental organizations, primarily by the United Nations. We must take up this challenge. It is most urgent that the Organization undertake effective action in favour of the protection of human rights in Bosnia and Herzegovina and in other territories of the former Yugoslavia.

Mr. HOHENFELLNER (Austria): In this past year, we have all been faced with very difficult decisions regarding the crisis in the former Yugoslavia. Austria, in shaping its decisions, has been guided by the principles that were defined by the international community for the solution of this conflict. Among those principles, respect for democratic decisions by the population has been of great importance, as has been the protection of the rights of minorities, the non-acceptability of changing borders through military force, the complete rejection and condemnation of the horrible practice of "ethnic cleansing" and support for the free return of the displaced population to their homes.

In recent months, peace-keeping questions have been high on our agenda. The report of the Secretary-General "An Agenda for Peace" (A/47/277) has given a new direction to this discussion and has reminded us all of the importance of preventive peace-keeping. I should like to point out at this time that Austria, as early as last November, had proposed the establishment of preventive peace-keeping forces in Bosnia and Herzegovina.

When the fighting started last April in Bosnia and Herzegovina, Austria supported comprehensive political and economic sanctions against the aggressor. Our goal was the re-establishment of peace. We wanted to avoid a development that would later create the necessity to apply military measures.

Since its decision on sanctions, the Security Council has continually tried to find a peaceful solution to the problem. It has reinforced the United Nations Protection Force (UNPROFOR) and has attempted to create the basis for the necessary delivery of humanitarian assistance. We have also witnessed agreements between the parties to the conflict at the London Conference. Today we must face one fact: many of the decisions of the

(Mr. Hohenfellner, Austria)

Security Council and the agreements between the parties to the conflict have not been implemented; Serbian forces in particular have again and again violated these commitments.

Instead of the cease-fire agreed upon, fighting continues in Bosnia and Herzegovina. At least 60 per cent of the territory of the Republic of Bosnia and Herzegovina is in the hands of Serbian troops. "Ethnic cleansing" continues; the shelling of civilians continues. The most dreadful violations of human rights are being perpetrated, camps are still full of detainees, civilians continue to be jailed in such camps, and people are continuing to starve.

It is mostly the Muslim and Croatian segments of the population of Bosnia and Herzegovina who are the victims of these horrible deeds. Many Bosnians, in particular Muslims, fear that they are witnessing the end of their country. In this situation, where the system of collective security does not protect a Member State of this Organization, their efforts - in accordance with Article 51 of the Charter of the United Nations - to seek assistance from wherever they can obtain it can easily be explained. The Muslim population is increasingly coming to believe that effective help for them might not arrive because of discrimination. The persistent challenge to the authority of the Government of Bosnia and Herzegovina also has reduced the confidence of groups of the population in the possibility of the country's survival, thus creating further mistrust among Bosnian Muslims.

Austria recognizes that Prime Minister Panic has tried to support the peace process. But so far, unfortunately, his endeavours have not met with success.

(Mr. Hohenfellner, Austria)

We believe that the agreement reached in Geneva on 10 October 1992 regarding deployment of military observers on airfields should be implemented as quickly as possible. That is why Austria welcomes Security Council resolution 786 (1992). The full implementation of this resolution should help end any support from the air for Serbian troops in Bosnia and Herzegovina.

However, additional far-reaching and urgent action by the international community is required: the existence of an independent country is at stake; new waves of refugees have to be avoided; "ethnic cleansing" must be brought to an immediate end; and the continuation of the war can only lead to even more terrible violations of the most basic standards of human rights.

There is a real danger that during the coming winter months hundreds of thousands of people will die because of hunger, cold and epidemic diseases. That is why the rapid implementation of Security Council resolutions 770 (1992) and 776 (1992) is of the greatest importance. We need humanitarian protection in order to be able to deliver food, medicines and heating material to the suffering population. This should not be restricted to Sarajevo but should also be applied to other locations in Bosnia and Herzegovina which have been under siege for months. This is the case, for instance, in Gorazde, which has not been able to receive international help since last July. In a town where 42,000 people lived before the war and which today is partially destroyed, over 70,000 inhabitants and refugees are living in the ruins. According to the mayor of Gorazde, the population of this town is receiving a meal only every second day. An effort for immediate and massive help is needed imperatively.

(Mr. Hohenfellner, Austria)

Approximately 1.5 million Muslim and Croatian Bosnians have been forced out of their homes and today are refugees. This has created incredible difficulties for Croatia because of the nearly 400,000 Bosnian refugees in this country. Other countries, too, have reached the limits of their capacity to accept further refugees.

Austria sees only one possibility to solve this problem, that is, to create safe areas under military protection within Bosnia and Herzegovina itself. In these areas the civilian population which is currently trying to flee could find refuge and live protected by peace-keeping forces. The same solution has also been proposed by the International Committee of the Red Cross (ICRC) and the Special Rapporteur of the United Nations Commission on Human Rights in former Yugoslavia, Mr. Mazowiecki. Such areas could be created step by step, for example, in and around Bihac, Sarajevo, Tuzla, Travnik and Gorazde. This concept should be realized with the consent of all the parties to the conflict and with a reasonable number of peace-keeping forces. These forces should protect small, well-defined areas. Their presence might also facilitate the implementation of Security Council resolutions 770 (1992) and 776 (1992) by creating secure places from which these forces could operate in order to protect the humanitarian assistance.

International humanitarian organizations could help the population in the safe areas to find shelter and obtain food and medical assistance. Certainly, the implementation of this concept will depend mostly on voluntary contributions of the international community. The necessary United Nations peace-keeping forces and the required technical and administrative personnel should be put at the disposal of the United Nations, allowing countries with close ties to the population of Bosnia and Herzegovina to provide substantive contributions.

(Mr. Hohenfellner, Austria)

The realization of such a plan could create a situation in which refugees might decide to return to Bosnia and Herzegovina. Safe areas could also change the dynamics of the conflict, creating a movement towards the achievement of peace.

The PRESIDENT (interpretation from French): I now call on the representative of Bosnia and Herzegovina.

Mr. SACIRBEY (Bosnia and Herzegovina): May I commend you, Mr. President, for your stewardship of this lofty body and your efforts to bring this debate before it. I should also like to thank Ambassador Mérimée for his leadership in October. Finally, I should like to express my appreciation to Mr. Cyrus Vance, Lord Owen, Mrs. Ogata and Prime Minister Mazowiecki for their comments and endless efforts.

Frankly, I find it very difficult to know where to start, with so many tragedies and priorities to deal with.

I suspect that many of you are of the view that you already know what I will say here today. I also suspect, though, that some of you will be surprised to know that today is the first time ever, including six months of membership in the United Nations, that my Republic has had an opportunity to present its case orally before the Security Council. I am deeply honoured by this opportunity to address this body and its membership, for which I have tremendous respect, to be an advocate for a victimized people, to represent a sovereign Republic, which is defending the principles of democracy, tolerance and coexistence and to speak on behalf of all those individuals - too many of them - who will not survive this struggle and celebrate peace.

It is mostly for these unfortunate individuals that I address you with such urgency of mission. Every day 20, 50, 100 or 200 of these precious individuals will unnecessarily pass from our midst. Most of them will die as

(Mr. Sacirbey, Bosnia and Herzegovina)

indiscriminate victims of "ethnic cleansing", without any opportunity to defend themselves - all this while the future of our Republic is debated and resolved from one international forum to another, and with no assurance that the death and suffering will end before there are virtually no more of us left to die or suffer.

Now, let there be no mistake: this process of negotiations has produced some very desirable results. In the Security Council a significant number of positive resolutions have been adopted, including, first, demands upon Serbia-Montenegro in May 1992 to stop its aggression and to withdraw, disband or place under the control of the Government of Bosnia and Herzegovina all troops, paramilitary forces and heavy weapons in our territory; secondly, the enacting of Chapter VII economic and diplomatic sanctions against Serbia-Montenegro; thirdly, the facilitation of the flow of humanitarian relief through the deployment of United Nations Protection Force troops, mainly at Sarajevo; fourthly, the empowerment of individual States under resolution 770 (1992), acting unilaterally or jointly, to use all means necessary to ensure delivery of humanitarian relief to all the people of Bosnia and Herzegovina; and, fifthly, calls to stop all human rights abuses, and in particular "ethnic cleansing", by Serbian and Montenegran forces.

The aggression has not been stopped; and the above-mentioned resolutions not being honoured by Serbian and Montenegran troops, paramilitary forces and weapons continuing to violate our sovereignty and our civilian population, and human rights abuses continuing unabated - the forum was eventually moved in August to the London Conference.

(Mr. Sacirbey, Bosnia and Herzegovina)

The London Conference reiterated the resolutions adopted by the Security Council. It also heralded a solemn, direct and unequivocal commitment from the Belgrade regime and its surrogates in Bosnia and Herzegovina to observe a no-fly zone; not to use food, water, electricity and heating fuels as weapons; not to pursue "ethnic cleansing"; and to close all concentration camps. Most of these commitments, most of these provisions, have not been honoured.

Finally, the London Conference launched the Geneva Conference, co-sponsored by the Secretariat of the United Nations and the European Community. The Geneva Conference most notably and positively proposed a constitutional framework for a nation, stressing secular democracy, no division along ethnic lines, tolerance, coexistence and a decentralized government. All those parties loyal to the Government of Bosnia and Herzegovina have unequivocally accepted this framework. Despite the commendable and universal principles outlined in the constitutional framework, the aggression from the air and ground, the suffering and, most alarmingly, the "ethnic cleansing", continue. This is not a condemnation of the Geneva co-Chairmen or their efforts, nor is it a lack of appreciation for the efforts made by all those endeavouring to deliver humanitarian relief. The problem is that the most important element of the solution is still lacking, and by its very absence makes a negotiated and humanitarian effort at best marginal and ultimately, at worst, irrelevant.

The constitutional framework proposed cannot be appreciated by the intended beneficiaries unless, first, the rule of law is resolutely established and, if necessary, enforced against those who violate even the most basic precepts of humanitarian law, including the Geneva and genocide

(Mr. Sacirbey, Bosnia and Herzegovina)

Conventions. Proper constitutional principles do in fact have their source in respect for human rights and principles of law. It is a safe conclusion that those who undertake "ethnic cleansing" and who ignore this body's resolutions will not be moved by constitutional principles. They may feign their commitment to these principles or may even be induced by promises of amnesty, but ultimately the constitutional principles promoted will be undermined under this process.

The effort to deliver humanitarian relief to our citizens is taking on substantial dimensions. The United Nations Protection Force (UNPROFOR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, various Member States and non-governmental organizations are all to be commended and we thank them all for their efforts, laced with bravery and human generosity. Unfortunately, these efforts will not be enough by the estimates of the benefactors themselves, for 400,000 of our citizens will die this winter just from starvation, exposure and disease. Nor are we to expect that our citizens will be satisfied to be deemed indefinite recipients of humanitarian relief. More to the point: are we to facilitate the flow of humanitarian relief to feed our citizens, while we take no resolute action to stop those who would murder them - ethnically cleanse them? Certainly, we fully endorse all measures intended to relieve the humanitarian nightmare and, most notably, the creation of temporary safety zones - and I emphasize "temporary".

But all these positive steps must be augmented by the third and most important element still dreadfully and, I might add, shamefully lacking - implementation and enforcement. We do not need any further resolutions,

(Mr. Sacirbey, Bosnia and Herzegovina)

commitments and conferences: all we need is the implementation of what already is on paper.

We have seen and even allowed the infringement of our sovereignty at various steps in this process in order to facilitate a final solution and save our lives. This infringement does not come without obligations for those who have sponsored it. Our country is still under aggression and our citizens are the targets. When the Special Rapporteur, Prime Minister Mazowiecki, reports that "ethnic cleansing" does not appear to be the consequence, but rather the goal, of this aggression, that a segment of our population is virtually threatened with extermination and that, since the London Conference, "ethnic cleansing" has in fact intensified, then I believe he reports of a continuing crime against our country and people that cannot be negotiated, the continuing suffering of our country and people that cannot be negotiated; the reports of a crime that cannot be stopped simply through prosecution. The first step - the only step - in dealing with any crime is to stop it. This crime continues, to our collective shame. If this body will not take direct steps to stop this crime and implement the measures adopted by it, then it should yield and fully recognize our sovereign and absolute right to self-defence.

We continue to be committed to a humanitarian effort designed to reduce the suffering. We continue to be committed to a process designed to draw our population together towards the centre, represented by an internationally sponsored constitutional framework and unequivocally endorsed by our Government. None the less, these latter efforts cannot substitute for resolute defence against an aggression directed at civilians. They cannot substitute for an appropriate response or the victims' right to self-defence.

(Mr. Sacirbey, Bosnia and Herzegovina)

Finally, we should not allow ourselves to slip into generalities and broad brushstrokes that delegitimize the victim and those upholding principles of democracy, tolerance and law and order. In so doing, we not only allow the victim to be continually exposed and fragmentation to be encouraged, but we also allow weaponry and the brutality of war to become the basis of peace. From the victims' perspective, self-defence does not increase conflict, but rather reduces the brutal and murderous consequences of aggression directed at civilians. Self-defence through legitimate and lawful authorities or through international mechanisms encourages respect for constitutional principles, humanitarian standards, the rule of law and order and, ultimately, reconciliation. It makes peace a reality, rather than an uncertain and far-off goal.

The PRESIDENT (interpretation from French): I thank the representative of Bosnia and Herzegovina for his kind words addressed to me.

Mr. JESUS (Cape Verde): I should like to express my congratulations to you, Mr. President, on your guidance of the Council during the current month. I am sure that, during your presidency, much progress will be made. I pledge to you the full cooperation of my delegation.

To your predecessor, Ambassador Mérimée of France, I should like to state my appreciation for the good work he accomplished.

The armed confrontation that has been raging in the newly independent State of Bosnia and Herzegovina has galvanized the attention of the world. The destruction and death it has caused, the atrocities it has brought about and the suffering it has inflicted on many innocent lives have indeed been of such a magnitude and attained such tragic proportions as have hardly been seen since the Second World War.

We have joined in the outcry of the world against this horrendous use of violence in Bosnia and Herzegovina and the abuses committed against innocent people. In this context, we find abhorrent and of course totally unacceptable the massive violations of human rights taking place there. The practice of "ethnic cleansing", which is being used as a means of territorial conquest, should be stopped.

The "ethnic cleansing" and the other grave violations of humanitarian law taking place in Bosnia and Herzegovina - so well documented by the news media - are crimes committed against us all, for they violate our very decency and human dignity. We are of the view that these grave breaches of the Geneva Conventions should be fully investigated and their perpetrators brought to justice. In this connection, we are pleased to see that the Commission of

(Mr. Jesus, Cape Verde)

Experts is already working to determine what crimes have been committed and by whom.

We believe that the international community - and the Security Council in particular - should make it very clear to all those engaged in territorial conquest, using armed forces or through "ethnic cleansing", that it will not tolerate such acts and will not in any way recognize any entity so established or any arrangement that infringes the sovereignty and the territorial integrity of Bosnia and Herzegovina.

The Council should also take a clear, unequivocal and consistent position against aggression by outside forces: let those involved in acts of aggression against Bosnia and Herzegovina know that they will suffer the consequences of their acts and find themselves internationally isolated!

If we are to live in an orderly world, it is important - indeed, it is fundamental to our collective survival - that conflicts be solved by peaceful means and that the rule of law in international relations be upheld.

We believe that the internal conflict in Bosnia and Herzegovina should be solved through dialogue and negotiation. In this regard, we call on all the parties to the conflict to cooperate in the efforts of the International Conference on the Former Yugoslavia. We are convinced that this Conference provides the framework for a peaceful, just and lasting settlement of the internal conflict. We hope that the parties involved will be able to pursue, in a serious manner, the proposed negotiations on constitutional arrangements under the auspices of the Co-Chairmen of the Steering Committee.

We are concerned about the attacks on the peace-keeping forces. These forces have been sent to assist in the maintenance of peace in Bosnia and Herzegovina, and deserve the respect of every party involved. We call on all sides to cease their hostile acts against the peace-keeping forces.

(Mr. Jesus, Cape Verde)

The Council has met countless times and passed scores of resolutions on the situation in Bosnia and Herzegovina in attempts to halt the conflict, but to no avail.

We ascribe the utmost importance to the role of the Security Council in the maintenance of peace and security, nowadays especially. In our view, the legal authority of the Council must prevail if a more stable and peaceful world is to come into existence. The Council must therefore make sure that its decisions are carried out and abided by. Thus it is important that the Security Council's sanctions be respected by all States and that measures be taken to ensure their implementation; that the "ethnic cleansing" and other violations of humanitarian law be stopped; that displaced persons be allowed to return to their former homes; that free passage be given to humanitarian convoys; that the cease-fires be adhered to; and that the no-fly zone be strictly enforced. If the Council is to be credible - as its role in maintaining peace requires - it must ensure that its decisions concerning Bosnia and Herzegovina in the end prevail.

We should like to pay a tribute to the efforts of the two Co-Chairmen of the Steering Committee, Mr. Cyrus Vance and Lord Owen, for their untiring efforts in promoting a peaceful outcome to the Bosnian conflict. We wish them success in their difficult endeavour.

Likewise, we should like to pay a tribute to all those involved in the provision of humanitarian assistance, who are operating under very difficult circumstances to deliver much-needed humanitarian relief. In this connection, we should like to commend the good work being done by the International Committee of the Red Cross and the United Nations High Commissioner for Refugees.

The PRESIDENT (interpretation from French): I thank the representative of Cape Verde for his kind words addressed to me.

Mr. HATANO (Japan): May I first of all express my congratulations to you, Mr. President, on your assumption of the presidency of the Council. My delegation is ready to cooperate with you to ensure the success of the Council's deliberations.

I also wish to thank Ambassador Mérimée for his excellent leadership as President of this body for the month of October.

The conflict in the former Yugoslavia is much more than a European regional problem; it is a global problem that has grave implications for the entire international community. It is thus both appropriate and necessary for the United Nations to play a central role in efforts towards its settlement.

The International Conference on the Former Yugoslavia, convened in London by the United Nations and the European Community, should be regarded as a focal point of efforts to achieve a peaceful settlement of the conflict. As such it deserves the strong support of the Security Council. Japan, as a member of the Security Council and as a participant in the London Conference, will spare no effort in supporting that peace process.

(Mr. Hatano, Japan)

Japan believes that the conflict must be settled through negotiations, in accordance with the principles agreed to at the London Conference. Military force will not be condoned, and changes in territorial boundaries and in the ethnic composition of the population through military force will not be tolerated. The rights of ethnic minorities must be guaranteed.

Japan denounces the practice of "ethnic cleansing" perpetrated by Serbian military and paramilitary forces in Bosnia and Herzegovina, and insists that the resulting change in the ethnic composition of the territory must not be accepted as a fait accompli. Japan is deeply concerned about the attacks by Serbian paramilitary forces against the innocent civilian population in Bosnia and Herzegovina, and in particular condemns the recent expulsion of people from the town of Jajce.

The lack of international control over heavy weapons and the frequent violations of the arms embargo are sources of continuing grave concern. It is imperative that steps be taken to stem the proliferation of weapons - indeed, to reduce the number of weapons - in this region. We urge that the Secretary-General's recommendations on the control of heavy arms be put into effect and that the Security Council consider what steps might be necessary to achieve that objective. Further, Japan calls upon all parties in Bosnia and Herzegovina to cooperate in good faith and without delay to negotiate with the Mixed Military Working Group and agree upon concrete terms for placing their heavy arms under international control.

External interference, particularly by the authorities of the Federal Republic of Yugoslavia and the Serbian Republic, must bear a large share of responsibility for the present dire situation in Bosnia and Herzegovina. Japan would support a proposal to tighten controls on the transshipment of

(Mr. Hatano, Japan)

goods through Serbia and Montenegro and to enhance the effectiveness of the United Nations sanctions.

As for the authorities in Bosnia and Herzegovina itself, Japan urges them to contribute to the peace process by seeking a compromise through negotiations. The outline of a draft constitution prepared by the Co-Chairmen of the London Conference provides a sound basis for negotiations. Japan pays a high tribute to the Co-Chairmen, Mr. Cyrus Vance and Lord Owen, for their important contribution to the peace process.

With the approach of winter, we must strengthen assistance to the humanitarian relief activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations. Responding to the joint United Nations appeal issued on 4 September to help the people of Bosnia and Herzegovina survive the hardships of winter, Japan immediately made a supplementary pledge of $18.5 million, which was disbursed on 30 September. It is important that all pledged contributions be disbursed as soon as possible.

The fighting in the former Yugoslavia has resulted in the tragic loss of countless human lives and unimaginable suffering. Japan calls upon the parties concerned to abide by the relevant resolutions of the Security Council and agreements reached at the London Conference, and cooperate with the community of nations to achieve a negotiated settlement of the problem.

The PRESIDENT (interpretation from French): I thank the representative of Japan for his kind words addressed to me.

Mr. NOTERDAEME (Belgium) (interpretation from French): I should like first to congratulate you, Sir, on your assumption of the presidency of

(Mr. Noterdaeme, Belgium)

the Security Council. I should also like to thank most sincerely Ambassador Mérimée for his excellent work in October.

The current situation in Bosnia and Herzegovina continues to be of serious concern to my Government, which is all the more disappointed by what is happening because, in accordance with the Charter, the international community has made considerable, tireless peace efforts. Since the outbreak of the crisis Belgium has followed developments very closely and has tried to contribute towards their solution, first through the diplomatic efforts of the European Community and its member States and then through the work of the International Conference on the Former Yugoslavia, not to mention the efforts made by our Security Council.

Three aspects of the current conflict seem to me to be central: humanitarian problems, in the broad sense; the future of Bosnia and Herzegovina; and the behaviour of Serbia and Montenegro.

The unimpeded provision of humanitarian assistance constitutes at this stage one of the prime objectives of the efforts to restore peace and security in the region. It is thus essential that this assistance from the international community should be able to reach those for whom it is intended. The deployment of elements of the United Nations Protection Force (UNPROFOR) in Bosnia and Herzegovina, which was decided upon by resolution 776 (1992), is now being completed. Belgium hopes that UNPROFOR will now be able finally to discharge its mandate by ensuring protection and the provision of humanitarian assistance. That requires that all the parties to the conflict cooperate fully with UNPROFOR as it carries out its task and respect their commitments and the relevant resolutions of the Security Council. I should

(Mr. Noterdaeme, Belgium)

like to emphasize in this context the exceptional financial and human efforts of the troop-contributing countries. Belgium has participated by providing a transport unit of about 100 men. This unit is already in place and is ready to operate as soon as circumstances allow.

I must commend here the outstanding efforts made by Mrs. Ogata, United Nations High Commissioner for Refugees. Faced with the desperate situation of civilian populations, the European Community and its member States decided at their Summit in Birmingham on 16 October 1992 to speed Community assistance by immediately releasing 213 million ECU. My Government has also deemed it necessary to contribute to these efforts by backing the establishment of a refugee camp in Savudrija, Croatia. Moreover, all the communities of Belgium are engaged in broad solidarity activities to help communities in the former Yugoslavia sorely tried by the civil war and overwhelmed by the influx of thousands of refugees.

As we approach the end of this century, a time when Europe believed it had for ever turned its back on inhuman practices of war and atrocities, it seems to us essential no longer to tolerate large-scale war crimes in the former Yugoslavia. The establishment, by resolution 780 (1992), of a war-crimes Commission is an important step towards identifying and punishing the guilty, so as clearly to demonstrate that it will no longer be possible anonymously to violate human rights conventions.

(Mr. Noterdaeme, Belgium)

On 5 October 1992 in Luxembourg, the European Community and its member States stated that

"The perpetrators of mass killings and other grave breaches of international humanitarian law will be held individually responsible for their actions and the Community and its member States will cooperate with the United Nations ... in ensuring that justice is done".

(S/24621, annex)

In this connection, I wish to pay a tribute to the courageous work of the Special Rapporteur of the Commission on Human Rights, Mr. Mazowiecki, whose testimony the Council heard this morning.

How can we halt the cycle of horror that Bosnia is facing? I believe we must devote our attention to two urgent objectives. The first is the establishment of a cease-fire in Sarajevo and throughout Bosnian territory. We have high hopes for the work of the Mixed Military Working Group, but we must not neglect the need for timely partial measures such as the no-fly zone over Bosnia enacted in resolution 781 (1992) and the supervision of heavy weapons.

The second element relates to the negotiations on a draft constitution. In this regard, the perseverance of the co-Chairmen of the International Conference and of Mr. Ahtisaari, and the high quality of their efforts, deserve acknowledgement. It is obvious that the negotiations will be long and complex. If they are to succeed, safeguards should be included in the constitution that will foster confidence among the peoples of Bosnia and thus enable them to overcome the hatred and violence that have been building up in recent years. They should also ensure cooperation among the various peoples of Bosnia, which is indispensable for the integration of those peoples into

(Mr. Noterdaeme, Belgium)

the new Europe the European Community is striving to build. I therefore urge the parties to spare no effort to negotiate in good faith on the new draft constitution.

The draft resolution the Council will soon adopt, in the negotiation of which my delegation was an active participant, is aimed at facilitating, we hope, the achievement of those two objectives, through, among other things, the imposition of stricter measures for monitoring the embargo.

By adopting the draft resolution, the Council will be appealing urgently to the authorities in Serbia and Montenegro. We expect them to show they are exercising a moderating influence on Serbian populations outside Serbia and in particular on Mr. Karadzic. We also expect the Belgrade authorities to work to guarantee respect for the rights of their ethnic minorities in the framework of an autonomy acceptable to all. I am thinking in particular of the dangerous situation in Kosovo.

The Twelve have repeatedly urged all the parties involved to show moderation. Once Serbia has done so - and we know that the Yugoslav Prime Minister, Mr. Panic, is working in that direction - the situation will be such that the international status of the new Yugoslavia can be normalized and the sanctions system imposed by the Council can be reviewed.

There will be important elections in Yugoslavia on 20 December. The Belgian Government hopes the preparations for those elections can take place in a context of respect for freedom of opinion and information, and that the voting will be conducted impartially. My country hopes that in that way the people of Serbia and Montenegro will choose politicians who will advocate appeasement and the building of a non-exclusionary future, rather than those who will continue to defend nationalistic ideas reminiscent of European history at its grimmest.

The PRESIDENT (interpretation from French): I thank the representative of Belgium for the kind words he addressed to me.

In view of the lateness of the hour, I intend to adjourn the meeting now. With the concurrence of the members of the Council, the next meeting of the Security Council to continue consideration of the item on the agenda will take place following the consultations the Council will hold at 3 p.m.

The meeting rose at 1.05 p.m.